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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,717	11/20/2000	James R. Hansen	11333-013001	9578

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225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

DENNISON, JERRY B

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 03/31/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/716,717

Applicant(s)

HANSEN ET AL.

Examiner

J. Bret Dennison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2,4,5.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to Application Number 09/716717 received on 20 November 2000.
2. Claims 1-48 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 5, 7-10, 30, 32, 34, 36, 37, 47, 48, are rejected under 35 U.S.C. 102(e) as being anticipated by O'Sullivan et al. (U.S. Patent Number 6,560,656) hereinafter referred to by O'Sullivan.

3. Regarding claims 1, 30, 47, and 48, O'Sullivan discloses a computer program implementing an automated device recordation and registration process for automatically registering, on a remote computer, an embedded device comprising:
a feature detection process for detecting feature information associated with a device to be registered (O'Sullivan, col. 6, lines 47-48);

a feature transmission process for transmitting said feature information to a remote computer at a known address using a self-describing computer language (col. 6, lines 10-25); and

a registration process for registering said device by storing said feature information on said remote Computer (O'Sullivan, col. 6, line 5, lines 50-55).

4. Regarding claims 3 and 32, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 1, including wherein said known address is a Uniform Resource Locator (O'Sullivan, col. 7, lines 33-38).

5. Regarding claim 5 and 34, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 1, including wherein said feature information comprises a device type and a device instance (O'Sullivan, col. 6, lines 40-45).

6. Regarding claims 7 and 36, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 1, including wherein said remote computer includes a database for storing said feature information (O'Sullivan, col. 6, lines 35-45).

7. Regarding claims 8 and 37, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 7, including a device

registration status process for examining said database to determine if said device was previously registered on said remote computer and initiating said registration process if said device is not registered (O'Sullivan, col. 6, lines 47-55).

8. Regarding claim 9, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 8, including wherein said remote computer resides on a distributed computing network and said feature transmission process transmits said feature information to said remote computer via said distributed computing network (O'Sullivan, col. 5, lines 55-67).

9. Regarding claim 10, O'Sullivan discloses all of the features of the invention substantially as claimed, as described in claim 9, including wherein said distributed computing network is the Internet (O'Sullivan, col. 5, line 62).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 4, 11-17, 27-29, 31, 33, and 38-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of what is well known in the art.

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10. Regarding claims 2 and 31, O'Sullivan teaches the limitations of claim 1.

Examiner takes Official Notice (see MPEP § 2144.03) that "using extensible Markup Language (XML)" in a computer networking environment was well known in the art at the time the invention was made. See 16 below.

11. Regarding claims 4 and 33, O'Sullivan teaches the limitations of claim 1.

Examiner takes Official Notice (see MPEP § 2144.03) that "using Transmission Control Protocol/Internet Protocol (TCP/IP) addresses" in a computer networking environment was well known in the art at the time the invention was made. See 16 below.

12. Regarding claims 11-13, O'Sullivan teaches the limitations of claim 9. Examiner takes Official Notice (see MPEP § 2144.03) that " using direct, dial-up, and wireless network connections to connect to a network" in a computer networking environment was well known in the art at the time the invention was made. See 16 below.

13. Regarding claims 14 and 38, O'Sullivan, in combination with what is well known in the art, teaches the limitations of claim 9, including wherein said device includes embedded software which controls said device's functionality (O'Sullivan, col. 7, lines 25-30). However, O'Sullivan does not disclose wherein said embedded software has a specific version identifier associated with it. Examiner takes Official Notice (see MPEP § 2144.03) that "software having a specific version identifier" in a computer networking

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environment was well known in the art at the time the invention was made. See 16 below.

14. Regarding claim 15-17 and 39-41, O'Sullivan, in combination with what is well known in the art, teaches the limitations of claim 14. However, O'Sullivan does not disclose wherein said database stores a software update, having a specific version identifier, and wherein software update is the newest version available, comparing said version identifier to the version identifier of embedded software to determine if an update is needed, and updating embedded software residing on device. Examiner takes Official Notice (see MPEP § 2144.03) that "comparing and updating software through a network" in a computer networking environment was well known in the art at the time the invention was made. See 16 below.

15. Regarding claims 27-29 O'Sullivan teaches the limitations of claim 1. However, O'Sullivan does not disclose wherein the devices are registered in the remote computer's database through the SMTP remote mail server. Examiner takes Official Notice (see MPEP § 2144.03) that "registering devices via SMTP" in a computer networking environment was well known in the art at the time the invention was made. See 16 below.

16. The Applicant is entitled to traverse any/all official notice taken in this action according to MPEP § 2144.03, namely, "if applicant traverses such an assertion, the

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examiner should cite a reference in support of his or her position". However, MPEP § 2144.03 further states "See also *In re Boon*, 439 F.2d 724, 169 USPQ 231 (CCPA 1971) (a challenge to the taking of judicial notice must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying the judicial notice)." Specifically, *In re Boon*, 169 USPQ 231, 234 states "as we held in *Ahlert*, an applicant must be given the opportunity to challenge either the correctness of the fact asserted or the notoriety or repute of the reference cited in support of the assertion. We did not mean to imply by this statement that a bald challenge, with nothing more, would be all that was needed". Further note that 37 CFR § 1.671(c)(3) states "Judicial notice means official notice". Thus, a traversal by the Applicant that is merely "a bald challenge, with nothing more" will be given very little weight.

Claims 6 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Kondo et al (U.S. Patent Number 5,586,254) hereinafter referred to by Kondo.

17. Regarding claims 6 and 35, O'Sullivan discloses the features of the invention as described in claims 5 and 34. O'Sullivan also teaches that a lookup service, located in the remote computer's memory, contains an object/instance for each service supplied by each device. However, O'Sullivan does not specifically state wherein said device type is a model number and said device instance is a serial number.

In an analogous art of networking, Kondo teaches a system for managing and operating network devices wherein the attributes of the devices to be managed include model number and serial number (Kondo, col.10, lines 20-33).

Therefore, it would have been obvious to one in the ordinary skill in the art at the time of the invention to combine the system of O'Sullivan with the system of Kondo to provide detailed information about the managed network devices for the benefit of reducing the work of the network manager (col. 6, lines 9-10).

Claims 18-20, 24-26, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Iggulden (U.S. Patent Number 6,415,023) hereinafter referred to as Iggulden.

18. Regarding claims 18 and 42, O'Sullivan discloses the features of the invention as described in claims 7 and 30. O'Sullivan also teaches a lookup service containing an object for each service from each device. However, O'Sullivan does not disclose the objects containing feature information including system information concerning the location, ownership, and configuration of said device.

In an analogous art to networking, Iggulden discloses a method for setting features of a device where the features include system information including location, ownership, and configuration of said device (col. 4, lines 40-55).

Therefore it would have been obvious to one in the ordinary skill in the art at the time of the invention to combine the system of O'Sullivan with Iggulden to enable the

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system to collect information concerning consumer's use of product features which can be useful in product marketing and new product design (Iggulden, col. 4, lines 40-45).

19. Regarding claims 19 and 43, O'Sullivan and Iggulden teach the limitations of claims 18 and 42, including a system information interface for allowing the owner of said device to configure said system information (Iggulden, col. 4, lines 40-55). See 17 above for motivation.

20. Regarding claim 20, O'Sullivan and Iggulden teach the limitations of claims 19, including wherein said device includes a HyperText Transfer Protocol (HTTP) device web Server and said system information interface is a software application residing on said device web server, where the owner of said device can edit said system of said device by accessing said system information interface via a remote web client (Iggulden, col. 3, line 62 through col. 4, line 5). See 17 above for motivation.

21. Regarding claim 24, O'Sullivan teaches the limitations of claim 7. However, O'Sullivan does not disclose wherein said device includes a device web client and said remote computer includes a HyperText Transfer Protocol (HTTP) remote web server.

In an analogous art, Iggulden teaches a web server connected to devices through the web (Iggulden col. 3, lines 60 through col. 4, line 5). See 17 above for motivation.

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22. Regarding claim 25, O'Sullivan and Iggulden teach the limitations of claim 24, including wherein said remote computer includes an application logic to interface said remote web server and said database (O'Sullivan col. 6, lines 40-55). See 17 above for motivation.

23. Regarding claim 26, O'Sullivan and Iggulden teach the limitations of claim 25, including wherein said feature transmission process utilizes said device web client to upload said feature information from said device to said remote web server, where said application logic transfers said feature information from said remote web server to said database (O'Sullivan, col. 6, lines 45-55).

Claims 21-23 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Sullivan in view of Iggulden as applied to claims 19 and 43 above, and further in view of what is well known in the art.

24. Regarding claims 21-23 and 44-46, O'Sullivan and Iggulden teach the limitations of claims 19 and 43. However, O'Sullivan does not disclose transmitting system information to a database on the remote computer after comparing the system information to see if it needs to be updated, and uploading system information to the server. Examiner takes Official Notice (see MPEP § 2144.03) that "comparing and updating software through a network" in a computer networking environment was well known in the art at the time the invention was made. See 16 above.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (703)305-8756. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (703)308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Bret Dennison
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